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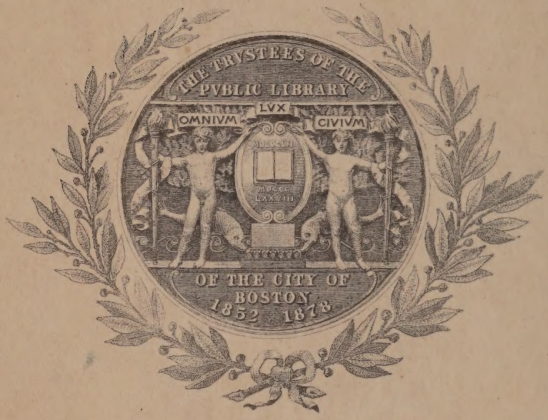
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SHALL WE LICENSE OR SHALL WE SUPPRESS THE LIQUOR SHOPS OF MASSACHUSETTS?

ARGUMENT

OF

ROBERT C. PITMAN,

ON THE

7588.289

License Bill,

IN THE

SENATE OF MASSACHUSETTS,

April 7, 1868.

"We are convinced that if a Statesman, who heartily wished to do the utmost good to his country, were thoughtfully to inquire which of the topics of the day deserved the most intense force of his attention, the sure reply—the reply which would be exacted by full deliberation—would be, that he should study THE MEANS by which this worst of plagues can be stayed."

—*C. Buxton, M.P., in North British Review.*

BOSTON:
MASSACHUSETTS TEMPERANCE ALLIANCE, 49 WASHINGTON ST.
1868.

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ARGUMENT.

Mr. PRESIDENT:—For more than a quarter of a century the Commonwealth of Massachusetts has been in fact free from the curse of a licensed dramshop. For sixteen years the laws of the State have directly, and with stringent penalties, prohibited the traffic in intoxicating liquors as a beverage.

Running farther back than either of these periods, in 1839, in a Memorial against the Repeal of the Fifteen Gallon Law, so called, the earliest experiment of Prohibition, the Conscience of the State spoke through such men as Jonathan Phillips, John C. Warren, William Ellery Channing, and Joseph Tuckerman, representing as they did the Christian Merchant, the Good Physician, the Saintly Divine, and the Poor Man's Friend, when they said: "Even now it can hardly be believed, and future times will regard with amazement the fact, that the laws of Massachusetts set apart a class of men expressly licensed to sell spirits *as a drink* for the public good. This leading and *shocking* feature in the late license law applies in its operation to all parts of the State." (Senate Doc. No. 14, 1839.)

But now, though a temporary revolution caused by a combination of artful politicians, the swarm of recently naturalized foreign voters, the liquor dealers reinforced by their natural allies, the criminal classes of every kind, the men of trade who imagine that facilities for vice help the sale of goods, the men of wealth who are conservatives by position, the doubting Thomases who are sceptics of all good by temperament, with here and there a priest of the same kind and generally of the same name with those who whilom lent their respectability

to bulwark slavery, we are brought face to face with the question, Shall we license or suppress the liquor shops of Massachusetts?

I propose, so far as the limits of a speech will allow, to state the argument for Prohibition.

The Basis of Prohibition.

Governor Andrew, in his famous plea for license under the title of "The Errors of Prohibition," says that the Prohibitory Law "rests on a theory which involves these two propositions," viz.:

First. "The essentially poisonous character of alcoholic beverages;" and

Second. "The immorality of their use."

And he proceeds at great length to examine the assumption, "That alcohol is a poison in the sense in which strychnine or arsenic is poison, to be administered to the human system only under the restrictions applicable to the administration of fatal drugs."

But prohibition logically rests upon no such theories, and on no theory at all, but on a solid basis of observed facts.

It has nothing to do with the settlement of vexed questions of medicine or of ethics, however important in themselves. These are to be remanded to their proper forum. Legislation does not await their solution. Prohibition claims the support of many who are not prepared to settle these questions; and who view them *in this connection* as unimportant as the old debating question of synods and conventions, whether slavery was a sin *per se*, would have been upon a bill to abolish it.

Leaving alike, then, the field of medicine and of metaphysics, let us enter upon that of facts.

In the argument for prohibition the foundation is, of course, the relation which intemperance bears to the social life of the State, to the public weal, or, in other words, to the Commonwealth, (*note* here, that in the olden phrase, *wealth* did not mean "revenue," but "well-being.")

To Decide upon the Remedy we must Realize the Disease.

And here it might at first seem that I could safely rely upon such general admissions of our opponents as those of the "London Times":—

"The use of strong drink produces more idleness, crime, want and misery *than all other causes put together.*" (Jan. 19, 1863.)

Or, coming a little nearer home, take the language of the senator from Suffolk, (Mr. Allen,) who, in his Report two years ago in favor of License, well styled the vice of intemperance "that *ulcer of the civilization of the Teutonic races.*" (House Doc. 359, 1866.)

But to *admit* a truth is one thing, and to *realize* it is another. *Logically* there are other steps to be taken to demonstrate the duty of a law of prohibition after we have established the magnitude of the evil of intemperance; but *practically*, when the mind and heart takes in the extent and sweep of this terrible evil, the conviction flashes across the intellect that only heroic treatment is to be thought of, and prohibition of the traffic is the goal to be sought. Hence on the one hand these men who, by actual work in the temperance reform have had most earnestly impressed upon them the enormity of the evil against which they were struggling, have almost without exception become prohibitionists;* while on the other hand those who have arrayed themselves against such a measure have sooner or later found themselves palliating the evil which they would license. A curious and yet a sad instance of this is found in the argument of Governor Andrew, who, appearing as counsel for gentlemen professing to act in the interest of stringent regulation for the promotion of the cause of temperance, almost entirely overlooked the ostensible question whether prohibition or license would best check the evils of intemperance, and divided his efforts between proofs that alcohol was "food," and that the evils of intemperance had been exaggerated.

When we *in heart* agree as to the nature of the disease, we shall not differ widely as to the remedy.

* See Note [A.]

Alcohol Degenerates the Human Race.

Let us briefly, then, advert to some of the facts in relation to the effects of intemperance upon society, which challenge the attention of the legislator.

I. *Intemperance vitiates Human Stock.*

Says Dr. Howe:—

"Certainly, if it could be proved that the use of any imported or manufactured article vitiates the breed of horses and cattle, farmers, at least, would look for some power to interdict it, and would not hesitate much about using that power. But the race of man is of vastly greater importance, and the purity of the human stock should be far more carefully guarded."

The special topic of "Alcohol as a Cause of Vitiation of Human Stock" is ably discussed in the Second Annual Report of the Board of State Charities, 1866. Commending the whole essay to the careful attention of every legislator as well as every philanthropist, I can here only note its conclusions:—

"The facts and consideration just named make clear the sad truth, that the children of parents whose systems were tainted by alcoholic poison do start in life under great disadvantage. While they inherit strong animal propensities and morbid appetites and tendencies constantly craving indulgence, they have weak restraining faculties. Their temptation is greater, and their power of resistance is less, than in children of purer stock. They are, therefore, more likely to fall into the pauper class or criminal class."

Added value is given to this testimony when it is known that we have been quoting the words of Dr. S. G. Howe, whose whole life has been devoted to the investigation and relief of diseased humanity. His conclusions are inductions from a wide range of facts. Thus in his Report to the Legislature upon Idiots of the Commonwealth, he says: "The habits of the parents of three hundred of the idiots were learned, and one hundred and forty-five, or nearly one-half, are reported as known to be habitual drunkards."

Dr. Jarvis, whose study of different forms of mental disease as practically exhibited, and whose patient research as statisti-

cian combine to constitute him an expert of the highest authority, fully confirms Dr. Howe's views. (See Testimony appended to License Law, Report 1867, p. 866–7.)

Dr. Carpenter, the great English physiologist, gives his emphatic testimony to the same point; and Morel, an authority second to none in France, in his treatise on the "Causes of Degeneracy in the Human Constitution," considers the use of alcohol as one of the most effective; and in this connection it is important to observe that it is the *use* of alcohol and not merely drunkenness which causes the evil. In the essay of Dr. Howe, before alluded to, he considers the question whether the accumulative effects of alcohol, as a brain poison, "does not make its constant use, in small doses, worse for posterity than its occasional use in large quantities; that is, whether tippling is not worse than drunkenness, so far as it affects the number and the condition of the offspring." After showing that we may "expect to find offspring of drunkards tending to the criminal class," he says: "With tipplers, on the other hand, there is gradual vitiation and impairment of vital force. We may, therefore, expect that, other things being equal, their progeny will tend more strongly than the children of temperate people, or even of *occasional drunkards*, to fall into the dependent or pauper class, by reason of the cause mentioned elsewhere as occasioning so much pauperism; to wit, original lack of vital force."

In the contemplation of these laws of nature we reverently exclaim with him who has so patiently investigated them, "we discover traces of that chain whose beginning and end are those of time; whose links are the ages; and which runs through the whole race of man, binding generation to generation in bonds of sympathy and interest."

Much of the time and thought of the legislator is given to the relief of pauperism and the punishment of crime, but his work rises in the scale of worth and efficiency when he aims at prevention, but when he ascends still higher to the hidden sources of both crime and pauperism, and seeks to enrich and purify the blood of our race by eliminating from it a deadly virus, he unites the purest philanthopy and the truest wisdom.

INTEMPERANCE AS AN ENEMY OF THE PUBLIC HEALTH.

II. Passing now from this crime against humanity which antedates its birth, let us notice what alcohol does for its immediate and personal victims.

It is the ally of all physical diseases and greatly increases the rates of mortality.

When the census gives us the deaths by drunkenness it not only frames its reports from the indulgent verdicts of surviving friends, but what is more necessary to observe, it leaves out of view the indirect but vastly more important influence of intemperance as the preparation for and ally of almost every disease flesh is heir to.

Dr. Cartwright, known to the medical profession of the whole country as one of the most skilful and experienced physicians of New Orleans, wrote thus to the Boston "Medical Journal" in 1853: "The yellow fever came down like a storm upon this devoted city with 1,127 dramshops in one out of four divisions of the city. It is not the citizens proper, but the foreigners with mistaken notions about the climate and the country who are the chief supports of these haunts of intemperance. About 5,000 of them died before the epidemic touched a single citizen or sober man, so far as I can get at the facts." But observe that after the disease had gained virulence from this mass of material, it then fastened upon all classes indiscriminately; and New Orleans mourned her best citizens among the victims. It was a striking exemplification of that law of human solidarity by which the welfare of each is bound up in the welfare of all.

When Boston was threatened with the cholera in 1865, Dr. H. G. Clark, her city physician, recommended the suppression of dramshops in her midst as common nuisances; now it is important to note that the cholera would not create, but only make more apparent and more dangerous an existing nuisance. A dramshop is a constant poisoner of its whole neighborhood, and a perpetual menace to the public health. Its subtle influences permeate the palace as well as the hovel.

This indirect influence of intemperance in lowering the average tone of health of a community we cannot accurately

measure; but the direct influence of drinking habits upon their victims is within the range of reliable statistics.

In the Twenty-Third Registration Report of Massachusetts, (pp. 61 to 65,) will be found interesting tables, digested and arranged by Dr. Jarvis from those originally prepared by Mr. Neison, actuary of a London Life Insurance Company, for *business purposes*. It is there shown that the rates of Annual Mortality among the people at large, embracing both temperate and intemperate, is 2.229 per cent.; among beer drinkers, 4.594 per cent.; spirit drinkers, 6.194 per cent. Or a still more impressive view is given by a table which shows that out of 100,000 persons at twenty years of age, 70,824 persons from the people at large survive at 50 years, while only 21,398 survive of the intemperate; and carrying the computation two decades farther on, at 70, of the former there survive 36,955, while of the latter only 5,076.*

The Parent of Pauperism.

III. Passing from the consideration of the effects of alcohol upon the sanitary condition of society we come next to consider *intemperance as an agent for the production of Pauperism.*

The Pauper Returns annually made to the Secretary of State in our own Commonwealth show an average of almost 80 per cent. in the county of Suffolk due to this cause.

Thus in 1863 the whole number relieved in this county is stated at 12,248. Of these the number made dependent by their own intemperance is stated as 6,048 and the number dependent by intemperance of parents and guardians at 3,837, making in the aggregate 10,885.

Mr. Goodwin, the General Agent of the Boston Provident Association, a position which he has held for years, and which has given him large opportunities for special personal observation, states that "the proportion of poverty caused by the free use of intoxicating drinks I should judge to be fully eight-tenths."

It were easy to accumulate statistics from other States and countries to the same effect; but what is needed is rather a real-

* See Note [B.]

ization of the facts for which figures stand. Think of what pauperism is; count its cost of annual millions to public and private charity, and consider how much of higher culture for the masses, of refinement and social elevation, this wasted treasure might secure; see how this evil drags its victims down to the abysses of disease and crime, and reflect upon that solemn law of human solidarity, expressively stated by the great Apostle, by which if "one member suffer all the members suffer with it," and that other law of human descent by which innocent generations suffer for the guilty parents; and say if you can see the great cause of all this accumulated evil standing revealed before you without an irresistible impulse to seize the deadliest weapon for its destruction.

The Chief Occasion of Crime.

IV. I turn now to its relation to *Crime*.

I shall confine myself, as I have mostly heretofore in this discussion, to home authorities and to those of recent date.

The Report of the Board of State Charities, 1867, (p. 202,) speaking of the aggregate convicts of Massachusetts, says:—

"About two-thirds are set down as intemperate, but this number is known to be too small. Probably *more than* 80 *per cent.* come within this class, intemperance being the chief occasion of crime, as it is of pauperism, and (in a less degree) of insanity."

The Report of 1868 (p. 137,) says:—

"Of all the proximate causes or occasions of crime, none is so fruitful as intemperance. The returns show that from 60 to 80 per cent. of our criminals are intemperate, and the proportion of those whose crimes were occasioned by intemperance is probably even greater."

The Inspectors of our State Prison, in their last Report, (1868, Pub. Doc. No. 13, p. 4,) say of the convicts:—

"About *four-fifths* of the number committed the crimes for which they were sentenced either directly or indirectly by the use of intoxicating drinks."

I may also cite the testimony given before the legislative committee of last year by the prosecuting Attorneys of Suffolk (called as witnesses for the License Petitioners.) Judge Sanger says:—

"I think a large portion of the criminal costs of the Commonwealth are from that cause. There are very few cases into which the use of intoxicating liquors does not more or less enter." (License Law Testimony, 1867, p. 85.)

Hon. J. C. Park says:—

"While District-Attorney I formed the opinion (and it is not a mere matter of opinion, but is confirmed by every hour of experience since,) that ninety-nine one-hundreths of the crime in the Commonwealth is produced by intoxicating liquors." (Ibid. p. 173.)

And the very last official report of the Grand Jury for the county of Suffolk at the close of their six months' service says:—

"The various cases of assault and battery of which we mention 80 in number, could almost all of them be traced back to their origin, drinking, and from disputes arising from and in the places where they obtained their liquor, and they are satisfied that fully 75 of the 80 cases in all probability would not have transpired had it not been from the effect of liquors."

THE TRUE RELATIONS OF POVERTY, INTEMPERANCE AND CRIME.

The only attempt to break the force of these statistics of which I am aware is in the argument of Governor Andrew on the Errors of Prohibition.

He seeks to invert the real relation between Poverty, Intemperance and Crime, by making the former the efficient cause of both the latter.

But, in the first place, it is very doubtful whether *mere* poverty has any important tendency to produce crime.

The Rev. John Clay, styled by the Board of State Charities "a prison chaplain of great experience," in an elaborate paper before the "British Association for the Advancement of Science," maintains that the laboring classes are most *criminal*, because most intemperate, in what are called good times, and he declares that "want and distress, *uncombined with dissolute habits*, are rarely operative in producing crime." (Report Board of State Charities, 1866, p. 218.)

So Recorder Hill, of Birmingham, a high authority in such cases, says: "I could almost count upon my fingers all the cases which have fallen under my observation, either at the bar or on the bench, of crimes originating in the pressure of want." But, what is still more important to observe, poverty itself, *especially in America*, is mainly caused, as we have shown, by intemperance of the victims or their natural supporters.

What else, I pray, in this Commonwealth of ours, where, under equal laws and with equal rights, labor finds its just reward and the hum of industry never ceases from early morn to eventide, should make a man a pauper, but vice? The providences of life, sickness and casualty, I do not forget. But for these the hand of Christian beneficence is always open, and neighborly kindness rarely suffers temporary misfortune to degrade any one to the ranks of pauperism.

The Negative Effect of Intemperance.

V. I now pass to consider other effects of intemperance, thus forcibly alluded to by Sir Charles Buxton a few years ago, in an article in the "North British Review":—

> "Not only does this vice produce all kinds of wanton mischief, but it has also a *negative effect* of great importance. It is the mightiest of the forces that clog the progress of good. It is in vain that every engine is set to work that philanthropy can devise, when those whom we seek to benefit are habitually tampering with their faculties of reason and will, soaking their brains with beer or inflaming them with ardent spirits. The struggle of the school, the library and the church, all united against the beer house and gin palace, is but one development of the war between heaven and hell."

We charge upon intemperance, then, that having done so much directly to give us diseased, pauper and criminal citizens, it proceeds to counteract all the agencies of the State for the making of good citizens. It paralyzes the very agencies upon which Governor Andrew relied for its extirpation.

Neither the drunkard or his children are often brought within the influence of the church. Nor is he responsive to the gentle touch of more private ministrations "while he is

habitually tampering with his faculties of reason and will." Debasing himself, he is willing to debase his children. Says Mr. Philbrick, the well-known superintendent of the Boston schools, in one of his reports:—

"Among the causes of truancy, that which so far transcends all others as to be properly considered the cause of causes, is the immoderate use of intoxicating drinks. This is the unanimous testimony of the truant officers; the liquor shops and the schools are in all respects antagonistic to each other."

And Horace Mann, in the outset of his career, recorded this prophecy: "If temperance prevails, then education can prevail; if temperance fails, then education must fail."

Massachusetts expended the last year $2,431,740.62 for her *public* schools alone, and gave to the work of teaching in them 7,759 of the best of her sons and daughters. Must she permit the liquor shops, declared to be the natural antagonists of her schools, to flourish by their side?

A Case for Intervention Established.

I have spoken of intemperance simply in its social aspects, and have traced its effects merely within the sphere of legislative subjects. Even here I might have greatly enlarged. Especially might I dwell upon the corrupting influence it exerts at the ballot-box, endangering the experiment of unrestricted suffrage. I might show, too, the essential aid it affords to that terrible vice of large cities which appals every reflecting mind, and its constant connection with gambling and the desecration of the Sabbath. But enough: when we consider that it antedates the very birth of its victim with curses, and gives to us humanity under enfeebled and diseased conditions; that it follows as the most prolific source of physical and moral disease, culminating so frequently in insanity, and still more frequently in premature death, infecting the whole social atmosphere with its malaria; that it fills our almshouses with paupers and our prisons with criminals; that it is the strongest antagonist of every educating institution that tends to make good citizens, and the unfailing ally of every vice that makes bad, can we fail to see

that the strongest possible case is made for the intervention of the State? One of the calmest thinkers as well as one of the most earnest Christian philanthropists, and who was constitutionally averse to extending the sphere of governmental action, —William Ellery Channing,—in sustaining a law identical in principle with that whose repeal is now sought, sums up the argument in these forcible words:—

"Now if it be true that a vast proportion of the crimes which government is instituted to prevent and repress have their origin in the use of ardent spirits; if our poor-houses, work-houses, jails and penitentiaries are tenanted in a degree by those whose first and chief impulse to crime comes from the distillery and the dram-shop; if murder and theft, the most fearful outrages on property and life, are most frequently the issues and consummation of intemperance, is not government bound to restrain, by legislation, the vending of the stimulus to these terrible social wrongs? Is government never to act as a parent, never to remove the causes or occasions of wrong-doing? Has it but one instrument for repressing crime, namely, public infamous punishment, an evil only inferior to crime? Is government a usurper? Does it wander beyond its sphere by imposing restraints upon an article which can plead no benefit conferred on body or mind, which unfits the citizen for the discharge of his duty to his country, and which, above all, stirs up men to the perpetration of most of the crimes from which it is the highest and most solemn office of government to protect society?"

What Society owes to the Weak.

With these appalling facts as to intemperance before him, the legislator has only to consider the relation of opportunity and temptation to indulgence, and he logically reaches the duty of prohibition. This relation between intemperance and the enticements of the liquor shop is one too constant, too obvious and too well recognized as the basis of all legislation for centuries to need elucidation. Its *rationale* is, however, so forcibly stated by Dr. Wayland in his Moral Philosophy, under the head of "Justice to Character," that I cannot forbear to quote it, more especially as it suggests another ground upon which legislation against the liquor traffic may properly rest in addition to the protection of society, namely, the protection of the individual:—

"Such is the relation of the power of appetite to that of conscience, that, where no positive allurements to vice are set before men, conscience will frequently retain its ascendancy. While on the other hand, if allurements be added to the power of appetite, reason and conscience prove a barrier too feeble to resist their combined and vicious tendency. Hence he who presents the allurements of vice before others, who procures and sets before them the means of vicious gratification is, in a great degree, responsible for the mischief he produces. Violations of this law occur in most cases of immoral traffic, as in the sale and manufacture of intoxicating liquors, the sale of opium to the Chinese, &c. Under the same class is also comprehended the case of female prostitution."

Here let me add upon a practical point the pertinent testimony of one of the most competent of experts, Dr. Day, the recent superintendent of the Washingtonian Home:—

"A mistaken idea seems to prevail that the inebriate becomes and continues a drunkard because he has no desire and makes no effort to reform. No error can be more complete. To shake off the shackles of his slavery is the dream by day and night of its unfortunate victim; and how to acomplish it is the question he most eagerly asks and for whose answering he waits with most intense desire." (1866, House Doc. No. 2.)

Listen also to the voice which comes to us from the State Prison, through its chaplain:—

"If the community generally could see what we see here of the effect of imbibing alcoholic liquors, and hear all that some fourteen hundred individuals have told us concerning the troubles, difficulties, hardships, cruelties, sins and crimes connected directly and indirectly with strong drink, there would, doubtless, be a more earnest effort than ever to stem the tide of liquid fire and distilled damnation which now threatens to overflow the land. Of the 534 men now here, the greater portion would be glad to vote for the prohibitory law; for many of them feel that their safety from the perils of drunkenness depends, in a great degree, on such a law. *They realize their weakness and are fearful of themselves, and desire such a law to strengthen them in their resistance to the seductions of the cup, which has been their bane and curse.* When about being discharged, to go out again into the world to combat its varied trials and temptations, in answer to the hope expressed that they will do well, they often say, 'I shall do well enough if I let liquor

alone. If I can resist when urged to take a drink, or can go to some place where I can't get it, I shall do well enough. If I come back here, it will be rum that brings me.'" (1868, Pub. Doc. No. 13, p. 43.)

Upon precisely the same grounds, then, upon which the State interferes with brothels, with gambling, with lotteries, with obscene publications, and with all kinds of Sabbath breaking, does it interfere with the liquor traffic. It does not trouble itself with any questions of casuistry. It leaves the schoolmen to draw a line between a sin *per se* and a consequential sin, and looks only to the *observed relation* between the public sale of alcoholic liquors as a beverage and the public injury. Nor can the State rightfully overlook its obligations to protect the virtue of its humblest member from public incitements to vice. "Virtue must come from *within;* to this problem religion and morality must direct themselves. But vice may come *from without;* to hinder this is the care of the statesman."

Mill and his School.

The name of John Stuart Mill, carrying to Americans an adventitious authority because of his friendliness to our country, is most frequently invoked against the right of prohibition. With acute mental faculties, and possessing a style of singular fascination, uniting clearness and brilliancy, Mr. Mill is no safe guide in metaphysics, theology, or the philosophy of legislation.

It would be interesting, but aside from the purpose of the hour, to trace the subtle and poisonous influence of the Positive system of Auguste Comte upon the opinions of his ablest disciple. But it is sufficient to destroy all Mr. Mill's authority in legislation to know that in the treatise on "Liberty," so often cited from by the enemies of prohibition, he condemns all "sabbatarian legislation," legislation against drunkenness, fornication, gambling; while as to brothels and gambling houses he expresses some doubt as a case "on the exact boundary line between two principles, and it is not at once apparent to which of the two it properly belongs!" It will not, after this, excite much surprise to add that, after citing the opinion of William

Von Humboldt (another authority against the principle of prohibition highly eulogized in Governor Andrew's argument,) in favor of the right of either party to dissolve the marriage contract at will, he pauses to consider the obligation of the parties to their children, and gives in his substantial adherence in these words: "Even if, as Von Humboldt maintains, they (these obligations,) ought to make no difference in the *legal* freedom of the parties to release themselves from the engagement, (and *I also hold* that they ought not to make *much* difference,) they necessarily make a great difference in the *moral* freedom." To no such guides will the New England mind resort for aid in solving problems of legislation.

I may add that Mr. Mill, with logical consistency, opposes alike all laws which intentionally restrict the liquor traffic, or have for their object the diminution of shops, for the "purpose of rendering them more difficult of access, and diminishing the occasions of temptation."

The Right to Prohibit.

Indeed, the very authority to license involves the right of prohibition. Prohibition in the general must logically precede license in the particular. Every license law takes its start from a negation of the right to sell; so that the universal authority of legislation is in support of the *principle* of prohibition.

Those who are interested in legitimating upon a philosophical basis the conclusions to which the humane instincts and the common sense of the mass of mankind have arrived, upon the general question as to the limits of legislative interference with the pursuits of life, will find a suggestive treatment of the topic in a recent English work by the Duke of Argyll, entitled "The Reign of Law." I close this branch of the discussion with an extract from the chapter on "Law in Politics":—

"Proposals for legislative interference with a view to arrest some of the most frightful evils of society, are still constantly opposed, not by careful analysis of their tendency, but by general assertions of Natural Law as opposed to all legislation of the kind. 'You cannot make men moral by act of Parliament.' Such is a common enunciation of prin-

ciple, which, like many others of the same kind, is in one sense a truism, and in every other sense a fallacy. It is true that neither wealth, nor health, nor kindness, nor morality can be given by act of Parliament. But it is also true that the acquisition of one and of all of these can be impeded and prevented by bad laws, as well as aided and encouraged by wise and appropriate legislation. There is no doctrine in physics more certainly true than this doctrine in politics—that every practice which the authority of society recognizes or supports has its own train of consequences, which, for evil or for good, can be modified or changed in an impressive variety of degrees, according as that sanction is given or withheld. The conduct of men depends on the balance of motives which are brought to bear upon them. In supplying these motives external conditions and mental character act and react upon each other. Both of these can be affected, and affected powerfully by positive institution."

Assuming then the right of the State to control the liquor traffic so as best to suppress intemperance, we come to consider how this can best be done.

License Laws.

To those acquainted with the history of legislation in Massachusetts upon this subject the cry raised a few years since for a stringent license law seemed painfully ludicrous. "Life is short and art is long" says the old Greek proverb. But the life of a nation is too short for the art of suppressing the liquor traffic by *license*. For over two hundred years our fathers tried to perfect a "stringent license law," and died without the sight. Their despair may well be crowned when they behold the bungling workmanship of the wise men of to-day.

I hold in my hand a list of over a hundred laws in relation to licensing or regulating the liquor traffic, passed in Massachusetts between these years. (These include the laws of Plymouth Colony.) An attentive perusal of them would constitute a complete demonstration of the inherent weakness of all such legislation.

My time only permits me to exhibit specimens of these laws; but you will notice the constant struggle after *stringency*, and the commentary upon the *inefficiency* of prior legislation which each new law affords.

The first recorded law which I find in the Old Colony, provides—

"That none be suffered to retail wine, strong water or *beer*,* either within doors or without, except in inns or victualling houses allowed." (1636; Plymouth Colony Records, Vol. I., p. 13.)

In 1646 the Massachusetts Colony declared:—

"Forasmuch as drunkenness is a vice to be abhorred of all nations, especially of those who hold out and profess the gospel of Christ Jesus, and seeing *any strict law will not prevail unless the cause be taken away*, it is therefore ordered by this court, 1st, that no merchant, cooper, or any other person whatever, shall, after the first day of the first month sell any *wine* under 1-4 cask, neither by quart, gallon, or any other measure, but only such taverners as are licensed by the court to retail wines, or any one whom the court may license to sell by the gallon; and whosoever shall transgress this order shall pay ten pounds."

"Any taverners or other persons that shall inform against any transgressor shall have one-half of the fines for his *encouragement*."

Section 4 forbids drinking or tippling after 9, P. M.
Section 7 forbids—

"Any person licensed to sell strong waters, or any private housekeeper to permit any person to sit drinking or tippling strong waters, wine or *strong beer* in their houses." (Records Mass. Colony, Vol. II., p. 171.)

The law of 1661 says:—

"Upon complaint of the great abuses that are daily committed by the retailers of strong waters, both by the stillers thereof and such as have it from foreign ports, this court doth order that no person shall practise the craft of stilling strong waters, nor shall sell or retail any by less quantities than 1-4 cask, and the sum to be delivered at one time and parcel, without covin or fraud, excepting only such as be allowed annually by the county courts respectively."

In 1665 *cider* takes its place among the inhibited liquors. Plymouth Colony, also, in 1667 enacted that "none be allowed to sell any *cyder* by retail without license; and that none allow any persons to spend their time by *tippling of cyder liquors* in their houses." (Records, Vol. XI., p. 218.)

* See Note [C.]

In 1670, keepers of public houses are warned not to allow "noted" drunkards in the premises. In 1680 it is provided that licenses shall first be approved by the selectmen of the town; and that they shall not be granted "*till after the Grand Jury present their indictments.*"

The law of 1695, after reciting that "divers ill-disposed and indigent persons, the pains and penalties in the laws already made not regarding, are so hardy as to presume to sell and retail *strong beer*, *ale*, *cider*, *sherry* wine, rum or other strong liquors or mixed drinks, and to keep common tippling houses, thereby harboring and entertaining apprentices, Indians, negroes and other idle and dissolute persons, tending to the ruin and impoverishment of families, and to all impiety and debaucheries, and if detected and convicted are unable to pay their fine," goes on to sentence such to the whipping-post.

The law of 1698 forbids any licensee to suffer any person to sit drinking or tippling, or to continue on the premises above an hour "travellers, persons on business or extraordinary occasions." Likewise contains stringent provisions as to the Lord's day. It further provides for the giving of bonds by the licensee to observe the law; and, finally, "that better to prevent nurseries of vice and debauchery," no more persons are to be licensed than the Justices shall judge necessary "for travellers and to serve the public occasions of such town;" and all public houses shall be on or near the high streets, road, and places of great resort.

In 1721 it was provided that taverners should forfeit debts for drink and victuals exceeding ten shillings.

In 1786, soon after the establishment of our State government, a License law was framed retaining all that was thought of any use in the old laws, and attempting new stringency.

By that law no person could sell "wine, *beer*, *ale*, *cider* brandy, rum or any strong liquors" in less quantity than twenty-eight gallons, without a license from the Court of General Sessions, to be granted in their discretion, but only upon recommendation of the selectmen of his town, "as a person of sober life and conversation, suitably qualified and provided for the

exercise of such an employment, and firmly attached to the Constitution and laws of this Commonwealth."

The County Commissioners, in after years, took the place of the Court of Sessions; but what has been styled "the double imposition of hands to set apart a person for the business of liquor selling," continued to be required. I was about to say that even this scheme did not secure a very desirable class of persons for the dealers; but it is rather a puzzling matter to decide who would be best fitted for such a purpose. After other trials, it was in 1832 provided that the certificate of approbation of the selectmen must be in this form: "that after mature consideration had thereon, at a meeting held for that purpose at which we were each of us present, we are of opinion that the public good requires that the petition of ——— be granted; he being, to the best of our knowledge and belief, a person of good moral character." After this, the County Commissioners were to decide upon their own discretion. It was also provided that licensees should give *no* credit. This law, with little alteration, was embodied in the Revised Statutes of 1836.

Progress.

Meanwhile, with the progress of the Temperance Reformation, men's hearts began to swell with indignation at the licensing of liquor shops. Not to quote the fiery phillipics of that grand old veteran, Lyman Beecher, let us listen to the calmer voices of the divine and statesman, who fitly represented the enlightened Christian sentiment of their day.

Said Dr. Humphrey, of Amherst College, in 1833:—

"It is plain to me, as the sun in a clear summer sky, that the license laws of our country constitute one of the main pillars on which the stupendous fabric of intemperance now rests."

In the same year, the honored Frelinghuysen of New Jersey, expressed himself thus:—

"If men will engage in this destructive traffic, if they will stoop to degrade their reason and reap the wages of iniquity, let them no longer have the *law book* as a pillow, nor quiet conscience by the opiate of a *court license*."

In 1835 the office of County Commissioner theretofore an appointive, was made an elective office, and the people of Bristol County at the very first election in May of that year, after a sharp and well defined contest, elected a Board committed to the policy of no license. From that day to this, the people of my county have never had within their limits a single place licensed to sell intoxicating liquors as a beverage.

In 1837, *all* Sunday sales of liquors were prohibited, and it was expressly enacted to save any doubt, that County Commissioners might refuse to issue any licenses.

The famous "fifteen gallon law" was enacted the next year, —the first law based on the principle of prohibition—but after a stormy and brief life, it fell a victim to party policy in 1840.

But meantime the battle for practical prohibition went on in the several counties, and after 1841 no licenses were granted in the State. The statement may surprise many, but I hold in my hand a note from the city clerk of Boston, stating that "*no licenses for sale of intoxicating liquors were granted in Boston between* 1841 *and* 1852." (The licenses in 1852 were issued just before the prohibitory law took effect, with the design of nullifying it, but were subsequently adjudged invalid.) The causes of this disuse of the license laws in Boston, where of late it has been maintained that such laws were necessary, were various. The philanthropist asked himself, with Dr. Tuckerman, "Why waste time over laws which not only go for nothing, in the cause either of private virtue or of public security, but which themselves virtually sanction debasement and crime?" and the licensee asked himself, "Why renew a license which I share with 700 persons, (the population of Boston then being hardly more than a third of what it is at present,) and which practically gives me no advantage over my free trade neighbors?"

License Laws Universal Failures.

Miserable in principle, license laws were found no less inefficient in practice. The conclusions of intelligent observers were well summed up by Linus Child, on behalf of a committee of the legislature, in 1838.

"Laws professing to regulate the sale of spirituous liquors have, it is believed, existed in every State of the Union. But has their effect been to check the progress of intemperance? Have they so far restrained the manufacture and sale of intoxicating liquors as to prevent the formation of those intemperate habits and appetites which have been the cause of ruin to millions of our race? *It may well be doubted whether intemperance would have increased with more rapid strides, if no legislative regulation of the sale of intoxicating liquors had ever been made.*"

On the other hand the Judiciary Committee of the House in 1837 reported, after an elaborate investigation, that,—

"The evidence was perfectly incontrovertible that the good order, the physical and moral welfare of the community, had been promoted by refusing to license the sale of ardent spirits, and that the consumption of spirits has been very greatly diminished in all instances, by the refusal to grant licenses; and that although the laws have been and are violated to some extent, in different places, the practice soon becomes disreputable, and hides itself from the public eye, by shrinking away into obscure and dark places; that noisy and tumultuous assemblies in the street, and public quarrels cease, where licenses are refused; and that pauperism has very rapidly diminished from the same cause."

I digress from this historical survey for a moment, to say that the experience of our Commonwealth was in no sense exceptional. License laws always and everywhere have proved failures. It is a remarkable fact, that at all the hearings upon this subject, no witness was summoned to even express an opinion to the contrary.

Nay, worse. Judge Sprague well said in 1839:—

"The license laws prevent the further progress of the temperance reform. They give respectability and strength to the traffic in spirits. It is a profound observation that the morality of no people can be maintained above the morality of their laws."

The only license law that ever commanded even the appearance of success, is the recent Excise Law of New York. This is a law conceived in a different spirit from the bill now under discussion, and is so stringent in its provisions and summary in its operation, as to put in great hazard its continuance; and

yet upon examination it will be found that it is beneficent only so far as it is a law of prohibition.

When it went into operation there were in New York and Brooklyn over 9,250 places where intoxicating liquors were publicly sold. Of this vast number, but 751 pretended to have licenses. On the 1st of December last, the number of places licensed in the same cities was 6,845. If a fair allowance is made for places selling in defiance of law, it will be seen that the net gain is more marked in revenue than in any other respect. It will also be seen from examination of the tables of arrests for each week as given in the annual Report of the Metropolitan Police Commissioners in 1867, that the number of arrests for offences "directly attributable to the use of intoxicating liquors on eight Tuesdays in 1865, under the old system, was 1,018; under the new system, 1,203," (being about the natural growth,) while on *Sunday*, when the law is one of *strict prohibition*, there were during eight Sundays, only 523 arrests to 1,078 under the old system, (Ibid. p. 21.) Similar results are shown in the Second Annual Report of the Board of Excise recently issued; while of these Sunday arrests they add, "A very large proportion are those of persons who, having left those cities to indulge in the suburbs their passions for strong drinks, return tipsy and disorderly at a late hour, and compel the police to take them in charge." (p. 5.)

Carefully examined, therefore, New York proves no exception, and I return to the narrative in my own State.

The Prohibitory Law.

The people of Massachusetts then adopted prohibition, not upon any theories, but were educated to it by the logic of events. Nothing remained but to embody their experience in an efficient law.

The law enacted in 1852, improved in 1855, has since that time remained upon the statute book unaltered. Its enemies have been compelled to pronounce it "as perfect as a criminal statute well can be." (Report on License, 1865, Senate Doc. No. 200, p. 4.) This statement is so generally confirmed by

the testimony of all the prosecuting officers of the Commonwealth examined before the License Committee of last year, as to render particular citations superfluous.

The immediate effect of the passage of that law was in many parts of the State exceedingly beneficent. I take the liberty of presenting to you the graphic picture drawn of Lowell by the Rev. Horatio Wood, for over twenty-three years the Unitarian City Missionary in that place :—

"It was my good fortune then to see a picture which has delighted my memory every since. The sale of liquor was stopped in Lowell, so that the City Marshal had occasion to say, in a letter which he wrote to me at that time, that there was not a single place in Lowell where liquor was openly sold. At first there was an idea that the law was going to be carried out, and it must be succumbed to; but after a while it began to be asked, 'What is Boston going to do in the matter?' And when that question was asked, it began to be said that Boston was going to sell, then some began to make themselves bold to sell, and one city after another of our principal cities fell into the sale."

And in reply to a question as to the change observed in the condition of the poor when the law was obeyed, he says :—

"A great many persons who had been accustomed to drink gave up drinking entirely. There were some who would have liquor in their houses. They would go beyond the line of the State and get the liquor in New Hampshire. * * * But then it required more money to buy the liquor in any quantity than poor people generally had, and they soon got sick of that. One after another they would say, 'Well, we know it is best for us.' The wife would say, 'Husband, you know it is best for you. You know we have been a great deal happier and a great deal more respected since this law was passed.' And I will say here—what I wish distinctly understood in regard to the poor of Lowell—that there is not so much a desire on their part for liquor, but by the temptations around them they are led into it; and not only led into it, but they are cajoled and pressed, in every way, into the purchase of liquor." (License Testimony, 1867, p. 538–9.)

As far as regarded our cities, however, the scene soon changed. The law became measurably inoperative. Mr. Wood, in his testimony, which I have just read, hints at the

principal cause, the opposition of the wealth, the political power, and the general influence of Boston. Concurrent causes were the adverse decision as to the validity of the seizure clause in the law of 1852, the passage of a law in 1855 declaring the jury to be judges of law as well as fact, the postponement for years of final decisions under the statute by multitudinous appeals to the Supreme Court of the State, and the Supreme Court of the United States, and the absorption of the public mind in the great question of the century which, when settled adversely to human slavery by the ballot, cost us a four years' war to settle forever by the bullet.

The state of things in 1864, was such as to give some point to the sarcasm of the senator from Middlesex at the time, that he "could do nothing for license because the temperance men had all the law, and the others all the liquor they wanted."

But the aroused public sentiment of the State manifesting itself in the passage of a law designed to keep disloyal men from the jury box, and in the establishment of a State Police, convinced the craft of liquor dealers that the hour of final struggle approached.

The Law Enforced.

In the *last year alone* the work of the State Police resulted in 5,331 liquor prosecutions, and 1,979 seizures, of 92,658 gallons in the aggregate; and there was actually paid in fines and costs the sum of $226,427.19. (Second Annual Report Constable of the Commonwealth.) That the result was a great diminution of the traffic hardly requires proof.

The law scouted for years as "impracticable" and "a failure," began to assume to the criminal classes the appearance of a terrible reality. The State Police did not see the lions in the way which used to deter the Boston Chief; the juries began to convict even in Suffolk; the seizures shifted the burden of the law's delay from the shoulders of the Commonwealth; the courts of last resort, State and National, all at last sent the offenders away sorrowing.

At the license hearing of last year, Judge Sanger, then District-Attorney of Suffolk, called by the petitioners, testified

that the law "can in time be executed, *and is executed;*" (Testimony, p. 76;) and again, in answer to the question of the chairman what effect the prosecutions had upon the sale of liquor in Boston:—

"It has a tendency to diminish it, and *it has in fact diminished it.* That is seen clearly since the decision in Mrs. Sinnot's case; for quite a number have come to me since then, and said they would throw up the business. So long as there was only a plea of guilty, and it was continued to abide a decision, it seemed easy; something like giving a promissory note, easy to give but hard to pay. But now we have about 2,900 cases against about 1,100 individuals, in which there are pleas of guilty. And when the decision comes back from the Supreme Court, they will be ready for sentence. *The knowledge of that fact is affecting very seriously their feelings.*" (p. 74.)

And of the effect of the seizures,—

"Men will not be likely to engage in a business when they are likely to have every day seizures made of their stock in trade." (p. 76.)

Finally, the Constable of the Commonwealth was enabled to say,—

"Up to the 6th of November (1867) there was not an open bar known in the entire State, and the open retail liquor traffic had almost entirely ceased. The traffic, as such, had generally secluded itself to such an extent, that it was no longer a public, open offence, and no longer an inviting temptation to the passer-by." (Second Annual Report, p. 14.)

What hope remained for the liquor dealers?

Who gave the Liquor Dealers Relief?

It is stated in a paragraph in Circular 46, issued by the Constable of the Commonwealth in October last, which fastened itself upon my attention at the time, and which I would fasten now upon the consciences of the people of the Commonwealth:—

"To us who are daily observers of the effects of these prosecutions, the fact is not to be winked at or argued out of sight, that very many of the liquor dealers are utterly discouraged, and were it not for the hope that the approaching elections may afford them some relief, they would at once abandon the traffic."

You, Alpheus Hardy, you, gentlemen of Harvard University, you, senators of private character and moral worth, you, following the masked movement of the liquor dealers of Massachusetts, gave them the relief they sought! By your votes the grog-shops of the State were reinstated in power. From the condensed tabular statement which may be seen at the office of the Constable of the Commonwealth, it appears that his deputies already report 2,779 liquor shops opened in the the State, since the 5th of November last.* I acquit you of the design; charge you with the result.

License laws have been repealed for their inefficiency; and therein lies their permanent weakness. The prohibitory law is to be repealed for its efficiency; and therein lies its strength for the future.

The Triumph of the Dram-Shop.

In the triple alliance of the criminal classes, the Democratic party and the Conservatives, who won the disastrous triumph of last autumn, I perceive prospect of much present gain to each of the former, but only confusion of face to the latter. They put into the firm their votes and their character; and the net profit *to them* is what? Alpheus Hardy and his associates asked for a law that should make the "licenses to be very few, and very carefully guarded, as carefully as it is possible for human wisdom to guard them." (Testimony, p. 205. See also

Dr. George E. Ellis, p. 276.
Alderman Gaffield, p. 225.
Hon. George B. Upton, p. 40.
Judge Sanger, p. 80.
Ex-Mayor G. W. Warren, p. 104, and many others.)

Behold the result!

* A few days after the delivery of this, the same fact was officially communicated in answer to an Order of the Senate. (Senate Doc., No. 170.) From the Report it appears that the number is distributed thus: Suffolk County, 879; Essex, 536; Norfolk, (including Roxbury,) 321; Middlesex, 235; Worcester, 226; Bristol, 162; Plymouth, 150; Berkshire, 103; Hampden, 87; Franklin, 41; Hampshire, 37; Barnstable, 8. It should be noted that these returns are up to April 1, and do not cover the most favorable period of the year for the liquor trade.

The Constablery was to be retained "as a means of public order," (Governor Andrew, License Testimony, p. 862,) and yet the first act of this legislature was to strike it down with impetuous rage; and Alpheus Hardy was left to thank the governor for interposing a check on these new friends of temperance, whom he had helped to elect.

The power that won the last election, won it upon false pretences—they put forward the programme of Governor Andrew and the bill of Mr. Jewell—in their stead they now give us one of the worst of license laws. You have already mentally compared it with many of the past laws, to which I have referred you. Compare it now with the bill introduced in 1864, by the senator from Middlesex, (Mr. Clark,) with the bill reported in 1866, (House Doc. 359,) or with the bill of last year, known as Mr. Jewell's bill, (House Doc. 415.)

I brand this bill as one of license in the worst acceptation of that term. Bad as all license laws are in principle, this one has, at least, five signs upon its forehead, that it is in the interest of the dram-shops.

First. Unlike the other bills referred to, which proposed to save the machinery and the mass of decisions under the prohibitory law for use against unlicensed dealers, this sweeps that law from the statute book, and in its place puts new legislation, which, if it contained any element of power, would be powerless till it had undergone the ordeal of settlement by litigation.

Second. It deliberately rejects that most effective instrument, the power of seizure and confiscation against liquors kept in violation of this very law.

Third. It shows its sympathy with criminals, by the absence of the usual saving clause as to past offences, so that upon its passage it discharges every pending case and remands every package of seized liquor.

Fourth. It establishes open bars at inns, at restaurants, and at liquor shops proper.

I hold up this feature of the law to the execration of all good citizens, and call upon all honest friends of "a stringent license law," to denounce this proposition to open bar-rooms and tip-

pling-shops, "where," in the expressive language of Governor Andrew, "dangerous and seductive beverages are offered, neither as medicine nor as diet, to the chance crowds of the hour, tempted by each other to drink without appetite, to linger without motive, and to revel without enjoyment.

> "'When laughter is not mirth, nor thought the mind,
> Nor words a language, nor even men mankind.'"

Fifth. And to crown all, these trap-doors of hell are to remain open till twelve o'clock at night and then to close for only five short hours. The ancient scripture exclaims, "Woe unto them that rise up early in the morning that they may follow strong drink, that continue until night, till wine inflame them!" Is there no woe for a people that tempt to such debaucheries by their very laws?

But my present purpose is simply to show the *animus* of the bill before us, and that it is one framed in the interest of the bar-room and the tippling shop. Let me not be misunderstood. The difference between the worst of license laws and the best is mainly nominal. The fatal principle of them all paralyzes them for beneficent action. A more decent law would have allowed the liquor traffic practical impunity. Hypocrisy has been defined as the homage which vice pays to virtue; but vice has grown too bold to pay any homage. It stands before us uncovered, in defiant attitude.

The Future Issue.

One who has brought to the consideration of this subject, as much of ability, experience and statesmanlike insight as any of his license associates, well said the other day in public debate, that he had been brought to the conclusion that "the only logical issue was between Prohibition and Free Trade in Rum." This bill will help all men to see that this is not only the only *logical* issue, but the only *practical* one.

For one of its provisions, I am thankful. It provides for the constant agitation of this question in every city and town in the State, and it opens the contest at once. Hereafter no Mnuicipal,

no County and State election can be free from it. We shall not stagnate for a single moment. And the final result will be the intelligent adoption and the resolute enforcement by the people of Massachusetts of the principle of prohibition.

Proceed, then, in the last third of the nineteenth century, to set up your grog-shops by law in this Christian Commonwealth. I borrow the words of Charles Sumner upon another occasion to warn you that your "proposition is as hardy as it is gigantic; for it takes no account of the moral sense of mankind, which is the same as if in rearing a monument we took no account of the law of gravitation." He mistakes, who believes that interest, appetite or wealth, or all combined, are the real forces that rule the world. That empire belongs to Ideas and Sentiments.

Senators, I well know how useless to appeal to you of the majority to pause in the work to which you have set your hands. I forbear. I have thought it due to the occasion, to set forth my own convictions. Transient as I believe will be the existence of this license law, it will be long enough to scatter the seeds of death, physical, moral and spiritual, in now happy homes. If I were to share any part of the responsibility for this, no earthly rewards could compensate for one hour of that sharpest pang of human suffering—Remorse.

NOTES.

[A.]

"Moral suasion" is often spoken of by those who *neither use it on themselves nor others*, as if it were a substitute for Prohibition. But listen to the words of one who pursuaded millions to sign the pledge. A year or two before his death FATHER MATHEW wrote thus to Mr. Delevan:—

"The principle of Prohibition seems to me to be the only safe and certain remedy for the evils of Intemperance. This opinion has been strengthened and confirmed by the hard labor of more than twenty years in the temperance cause."

[B.]

INSANITY.

I have not introduced into the body of the Argument the special statistics in relation to Insanity as caused by Intemperance, partly because, strictly speaking, Insanity is merely a form of disease, and because a little critical examination is needed to display the actual relation of Intemperance to this malady.

The records of the Lunatic Hospital at Taunton, (which I select because I happen to know the ability, accuracy and *judicial character of mind* of the accomplished superintendent, Dr. Choate,) show that out of 3,117 commitments, in 14 years, the immediate cause of Insanity, in 560 cases, was Intemperance; and this stands first on the list, "ill health" being next, and the cause of 502 cases. (Pub. Doc. No. 21, p. 28, 1868.)

Governor Andrew, in his attempt to weaken the force of this argument for prohibition, suggests "that the real or primary cause of much of the insanity of men falling into intemperate habits, and reported as

made crazy by those habits, could be traced to anterior causes. These, distracting, breaking down, weakening and disheartening the man, left him to topple over into drunkenness, * * * which drunkenness, as the last antecedent, became the apparent cause." But, on the other hand, if we look at the *remote* causes as well as the immediate, the fatal influence of alcohol as "a brain poison" is still more important. On this point I cite the impressive testimony of Dr. Choate, immediately following the table alluded to:—

"A consideration of the *predisposing* causes, which do not appear in this table, is equally important, since, in the vast majority of cases, a peculiar previous condition of the nervous system is necessary in order that the exciting cause should operate; and this condition also is, in many cases, undoubtedly due to some previous mistaken course in the life of the patient or his ancestors, which might have been avoided. * * *

"The second form of predisposition, the congenital, due not to the actual existence of insanity in the ancestry, but to a wrong course of life on the part of parents, is one less generally understood, and, it is to be feared, seldom excites that attention which its importance demands. Of its reality, and of the immense responsibility which it imposes, there can be no question. Any deviation from the laws of a healthy existence by those who are peopling the world, is liable to be followed by pernicious effects in the rising generation. Enervating indulgences, intemperance in all its forms, any course of life calculated to weaken the vital force, is felt in the constitutions of the descendants, and pre-eminently in the nervous system. Take intemperance in intoxicating drinks for example, as being the most common and best known, and least easily concealed of the pernicious vices of parents. The number of cases of epilepsy, of paralysis, of connate vicious inclinations, of imperfectly developed mental and moral powers in the children of those who are addicted to this unfortunate habit, which come under the observation of those having charge of lunatic asylums, *is appalling, and ought to be available as one of the strongest weapons in the hands of the reformer.*" (Ibid. p. 29.)

[C.]

The "Milder Alcoholics."

It is quite evident that our forefathers early learned *what* were intoxicating liquors, if they did not find out how to regulate their use.

The "beer houses" of England are to-day among her greatest pests, and a serious obstacle to the enfranchisement and elevation of her laboring classes.

Great stress is laid upon the temperance of the Spaniards, in the Argument of Gov. Andrew, (p. 49–50.) It is of very little consequence to examine the statements critically, because whatever the Spanish wines may do for the natives, we have striking evidence at hand of their effect on the *Anglo-Saxon* race. I quote from Martineau's History of England. The passages refer to events in the "Peninsular War."

"He (Wellington) pushed on; but on every hand his men and camp followers broke open the *wine* vaults and provisions stores, and came out drunk and wild, so as to fall an easy prey to the frightful weather and the vigilant enemy." (Vol. 1, p. 265.)

"While (at the siege of Badajoz,) the dying were groaning in the trenches, and Wellington was mourning his dead, and the officers used every tone of command and remonstrance in vain, brutal laughter went up from the streets, mingled with shrieks of fear and agony and with the crash of doors and windows and with the hissing of fire and the report of muskets in the hands of drunken banditti; for *the British soldiers were for two days a drunken banditti.*" (p. 357.)

"When the troops passed the *wine vaults of Torquemada they lost all discipline, and twelve thousand men were seen drunk at one time.*" (p. 360.)

The whole matter as to alcoholic beverages is well put by an excellent medical authority, Professor Miller, of Edinburgh, in his treatise on "Alcohol: its Place and Power."

"Under the term 'alcohol' is included, let it be distinctly understood, every kind of intoxicating drink. All the varieties of spirits, wines and malt liquors are the same as to their intoxicating quality; that invariably depends upon the presence of alcohol. * * * A man is apt to draw a broad distinction, greatly in his own favor, between himself drinking beer and another drinking brandy as a daily habit; but the

truth is that both are drinking the same thing, only in different guise and dilution; *chemically* and practically there is much the same difference as between one who drinks spirits 'neat' and another who drinks his allowance of the same thing largely 'watered.' The one drinks alcohol slightly diluted; the other drinks alcohol much diluted and somewhat modified by flavor; but both are drinking alcohol."

It may seem to some that this Note is out of place, since the very license law under consideration provides that the term intoxicating liquors "shall be construed to include ale, porter, strong beer, lager beer, cider and all wines, as well as distilled spirits." (Sect. 21.) But the prohibitory law during the last campaign was constantly and virulently attacked because it did not discriminate in favor of the sale of fermented liquors.